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EXAMINER

STOKELY-COLLINS, JASMINE N

ART UNIT	PAPER NUMBER
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2423

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,264	Applicant(s) MAIER, JOHANNES	
	Examiner JASMINE STOKELY-COLLINS	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/2/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 9/2/2008 have been fully considered but they are not persuasive.

Applicant argues on page 4 of applicant's comments that Thibadeau's invention does not teach multiple transmitters. However, Thibadeau's invention is preferably embodied in a traditional cable system. It is well known that a cable headend receives broadcasting materials from multiple providers/transmitters, including local stations whose information is only pertinent to a specific geographic area. Applicant's arguments pertain to the actual headend transmission, while the examiner indicated in the office action, at page 4 lines 7-9, that the "transmitters" are meant to refer to the multiple providers that the content originates from. A headend merely compiles all of the programming from these transmitters and distributes programming packages to receivers. Messages from local stations would share the same relevant broadcasting area, and therefore the intended location parameter would directly coincide with the local station transmitter. Thibadeau does not teach how his headend decides what location to assign to a message. The examiner cites Schmidt as a method of deciding what area a message is intended for: by determining from which local transmitter those messages originated. In the suggested combination, Schmidt's PI codes would ultimately play the role of Thibadeau's region information that is attached to each message. The combination of these two references takes away the need for a headend

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to determine a relevant area for each message, which Thibadeau does not state the headend does anyway. Thibadeau only states that the information is encoded in a header (col. 8 ll. 8-18).

On page 6 of applicant's comments, applicant argues that neither Thibadeau or Schmidt suggest determining a degree of correlation, and that it is unobvious to compare Thibadeau's location-specific parameter (user's area of interest) with Schmidt's first location specific parameter (PI code including message area). The examiner disagrees; Schmidt's PI code has the same function of Thibadeau's region information, and it would be obvious to use the information from the PI code in the same way the region information was used (see col. 14 ll. 29-43 where a region intersection between the user's desired area and the region information associated with the message is computed to determine whether or not the message should be designated as "interesting"). Thibadeau does teach 2 parameters for comparing, he simply did not teach the first parameter being directly associated with a transmitter; Schmidt cures that deficiency. Applicant further argues that the transmitters are not classified into groups. The examiner disagrees; The user may specify a *region* of interest, where a region can encompass any geometrical area. The examiner asserts that these regions of interest qualify as groups that could easily cover the area of one or more local transmitters.

On page 8, applicant argues that Thibadeau in view of Schmidt fails to disclose second auxiliary data associated with useful data where the useful data is filterable in view of the second auxiliary data (claim 3). The examiner disagrees; In col. 2 ll. 62-col. 3 ll. 4, Schmidt teaches giving priority to which transmitters it uses based on if the transmitter

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is local or super regional. This is further explained in col. 4 ll. 59-col. 5 ll. 3. The type of transmitter is taken into consideration when the receiver chooses which transmitters to access. This is a secondary consideration after considering if the receiver services the area/route the user is traveling.

The applicant further argues that the second auxiliary data are not correlated with indications to types of TV broadcasts (claim 4). The examiner disagrees; the ability of a TV broadcaster to send teletext, TV receivers to receive teletext, and traffic messages to be sent via teletext allows the traffic messages to either be directly sent to a television receiver or to be routed through TV broadcasters to be sent to a television receiver. It is well known that TV receivers can be mobile and automobiles can be equipped with TV receivers (see US 5,056,152 to Taniguchi et al for evidence of how long this idea has been known). It was also a known concept to include GPS capabilities in TV receivers (see US 6,084,510 to Lemelson et al and US 5,510,801 to Engelbrecht et al for evidence of how long this has been known). Taking the above into consideration, Thibadeau's teaching of using a television broadcast interface is still possible in the combination of Thibadeau and Schmidt. Therefore, the messages could be considered TV broadcasts and they are correlated with types (local, regional, etc.). Applicant further argues that the feature associated with the useful data contains a statement about whether and where the display correlated with the useful data is presented on the display unit. The examiner disagrees; Thibadeau teaches that the display of a message is based on the message's location designation. Sharma further teaches that a teletext message may include format information. Not only does

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Thibadeau teach that information contained in the data ultimately decides whether the message is displayed, but Sharma teaches containing display information within the message.

The applicant also argues that Thibadeau in view of Schmidt fails to teach that each filter unit can be specified by an operator of the receiver. The examiner disagrees; Thibadeau teaches in col. 4 ll. 46-50 that the user has full control over which areas to process messages for.

Lastly, the applicant argues that claims 14 and 15 are allowable because of the arguments presented for claim 1. The examiner has addressed all of the arguments of claim 1 and found it to remain obvious over the cited references, and therefore claims 14 and 15 are obvious for the same reasons.

Claim Objections

2. Claim 4 is objected to because of the following informalities:

Claim 4, lines 1-2 limitation "the second auxiliary data" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-7, 9-10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (US 5,565,909) in view of Schmidt (US 6,535,813 B1).

Regarding claim 1, Thibadeau teaches a transmission-reception system (abstract) comprising:

a receiver configured to receive digital data (column 3 lines 61-65), having a location specification unit, in which at least a second location-specific characteristic parameter is specifiable (column 3 lines 61-66, column 4 lines 33-38), wherein the receiver has an output, at which useful data are able to be provided (column 14 lines 46-57), wherein the receiver further comprises:

Thibadeau alone does not teach a plurality of transmitters configured to transmit digital data including a plurality of useful data as well as first auxiliary data associated with the useful data, wherein the first auxiliary data includes at least one location-specific characteristic parameter; and
a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter contained in the associated auxiliary data with the second location-specific characteristic parameter (column 14 lines 34-37), characterized in that the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas (see fig. 2 of Schmidt),

wherein the user is able to select the transmitter(s) desired by him among the groups (column 14 lines 34-40).

Regarding limitations “a plurality of transmitters configured to transmit digital data including a plurality of useful data as well as first auxiliary data associated with the useful data, wherein the first auxiliary data includes at least one location-specific characteristic parameter”, in analogous art, Schmidt teaches a traffic information system by which location-specific transmitters which transmit digital traffic messages can be selected based on a user’s travel route. Furthermore, the intended delivery location for a message is directly related to the transmitter it originates from. Col. 15 lines 21-27 of Thibadeau state the invention is preferably embodied in a conventional broadcast television cable distribution system. A traditional broadcast system comprises a head end which receives programming from multiple broadcasters, such as different television networks.

When combined with the teachings of Schmidt, and using the transmitter identification parameters taught by Schmidt col. 2 ll. 44-49, Thibadeau in view of Schmidt results in a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter contained in the associated auxiliary data (Schmidt’s message area) with the second location-specific characteristic parameter (set-top box’s region of interest, Thibadeau column 14 lines 34-37), characterized in that

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the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas (see fig. 2 of Schmidt), wherein the user is able to select the transmitter(s) desired by him among the groups (column 14 lines 34-40).

It would have been obvious to one of ordinary skill in the art to use Schmidt's transmitters and associated PI codes including message area (location specific characteristic parameter) to receive the location specific messages (useful data; in this case, traffic messages) taught by Thibadeau (col. 2 ll. 7-10 teaches the concept of transmitting digital information, including teletext, over existing carriers. It was known in the art at the time the invention was made that traffic alerts and messages could be sent through teletext) for the benefit of isolating relevant local messages by using a single PI code for a local transmitter as opposed to Thibadeau's more complicated system of including a location code for each message.

Regarding claim 2, when read in light of claim 1, Thibadeau further teaches the second location-specific characteristic parameter corresponds to the location of installation of the receiver or to a location arbitrarily selected by a user (column 3 lines 61-66, column 4 lines 33-38).

Regarding claim 3, when read in light of claim 1, Schmidt further teaches second auxiliary data is associated with the useful data, and the receiver includes at least one filter unit, by which the useful data is filterable in view of the second auxiliary data (col. 2 ll. 63-col. 3 ll. 4).

Regarding claim 4, when read in light of claim 1, Schmidt further teaches the second auxiliary data are correlated with indications to types of television broadcasts (col. 4 ll. 15-19 discloses filtering data further by the type of message, i.e. local, regional, or national, where the combination of Thibadeau and Schmidt result in the traffic messages being sent through a television broadcast via teletext, for example) and/or types of music broadcasts and/or indications to Internet homepages and/or indications to commercials and events.

Regarding claim 5, when read in light of claim 3, Thibadeau further teaches each filter unit can be specified by an operator of the receiver (column 4 lines 46-50).

Regarding claim 6, when read in light of claim 1, Thibadeau further teaches the receiver further comprises a display unit, on which a display correlated with the useful data is presentable (column 14 lines 46-57).

Regarding claim 7, when read in light of claim 6, Thibadeau further teaches the display correlated with the useful data is presentable on the display unit according to the feature associated with the useful data (column 14 lines 46-57).

Regarding claim 9, when read in light of claim 6, Thibadeau further teaches the receiver further comprises an input unit, by which, preferably by cooperating with the display unit, the second location-specific characteristic parameter and/or the specifications of the feature association unit and/or the at least one filter unit are specifiable (column 3 lines 65-66).

Regarding claim 10, when read in light of claim 1, Thibadeau further teaches the digital data is transmitted to the receiver by satellite broadcasting, cable transmission, Internet transmission or terrestrial broadcasting (column 5 lines 28-33, column 7 lines 35-40, 45-48).

Regarding claim 12, when read in light of claim 1, Thibadeau further teaches the useful data comprises audio signals and/or video signals, and especially contains commercials and/or event indications (column 4 lines 4-9, and Schmidt's traffic message qualify as events).

Regarding claim 13, when read in light of claim 4, Thibadeau further teaches each filter unit can be specified by an operator of the receiver (col. 4 ll. 46-50 allow a user to define the geographic areas used to filter the messages).

Regarding claim 14, Thibadeau teaches a receiver (column 3 lines 61-65); and
an output, at which useful data is able to be provided (column 14 lines 46-57).
Regarding limitations “a plurality of transmitters” configured to transmit “digital data including a plurality of useful data as well as first auxiliary data associated with the useful data, wherein the first auxiliary data includes at least one location-specific characteristic parameter”, in analogous art, Schmidt teaches a traffic information system by which location-specific transmitters which transmit digital traffic messages can be selected based on a user’s travel route. Furthermore, the intended delivery location for a message is directly related to the transmitter it originates from. Col. 15 lines 21-27 of Thibadeau state the invention is preferably embodied in a conventional broadcast television cable distribution system. A traditional broadcast system comprises a head end which receives programming from multiple broadcasters, such as different television networks. It would have been obvious to one of ordinary skill in the art to use Schmidt’s transmitters and associated PI codes (location specific characteristic parameter) to receive the location specific messages (useful data; in this case, traffic messages) taught by Thibadeau (col. 2 ll. 7-10 teaches the concept of

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transmitting digital information, including teletext, over existing carriers. It was known in the art at the time the invention was made that traffic alerts and messages could be sent through teletext) for the benefit of obtaining traffic alerts for trip planning.

When combined with the teachings of Schmidt, and using the transmitter identification parameters taught by Schmidt col. 2 ll. 44-49, Thibadeau further teaches a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter contained in the associated auxiliary data with the second location-specific characteristic parameter (column 14 lines 34-37), characterized in that

the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas (see fig. 2 of Schmidt), wherein the user is able to select the transmitter(s) desired by him among the groups (column 14 lines 34-40).

Regarding claim 15, Thibadeau teaches a method for transmitting digital data from at least one transmitter to at least one receiver (abstract) including the steps of:

a) associating first auxiliary data with the useful data to be transmitted, wherein the first auxiliary data includes at least a first location-specific characteristic parameter (column 6 lines 7-8);

b) transmitting the useful data and the associated first auxiliary data by at least one transmitter (column 14 lines 39-30);

c) receiving the useful data and the associated first auxiliary data by at least one receiver (14) (column 14 lines 39-30);

d) in the receiver (14), correlating the first location-specific characteristic parameter contained in the received first auxiliary data with a second location-specific characteristic parameter specified in a location specification unit (40) of the receiver (14) (column 14 lines 34-37);

according to the degree of correlation, associating a feature with the associated useful data (column 14 lines 34-37)

Thibadeau does not teach the further step of:

dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups.

Schmidt teaches dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data (col. 4 ll. 24-32)

Thibadeau in view of Schmidt results in “the user is able to select the transmitter(s) desired by him among the groups” because Thibadeau allows users to select the regions of interest and Schmidt associates each receiver with a particular region.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (US 5,565,909) in view of Schmidt (US 6,535,813 B1), and further in view of Sharma (US 6,766,163 B1).

Regarding claim 8, when read in light of 1, Thibadeau teaches the transmission-reception system of claim 1, characterized in that the feature associated with the useful data contains a statement about whether the display correlated with the useful data is presented on the display unit (column 14 lines 37-57).

Thibadeau does not teach the feature associated with the useful data contains a statement about where the display correlated with the useful data is presented on the display unit.

Sharma teaches a method of displaying teletext information where control characters in the message determine how it is formatted (col. 6 ll. 14-16). Formatting a message fairly suggests determining size, font, position, and general appearance of it. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include format control information, as taught by Sharma, in the teletext information taught by Thibadeau in view of Schmidt for the benefit of formatting each message so that it receives the appropriate amount of attention (i.e. a more urgent alert, such as a tornado warning for a particular route, may encompass a larger part of a screen than a less urgent alert).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (US 5,565,909 A) in view of Schmidt (US 6,535,813 B1), and further in view of Kaars (US 5,999,216).

Regarding claim 11, when read in light of claim 1, Thibadeau teaches the transmission-reception system according to Claim 1. Thibadeau does not teach receiver is a DVB receiver.

Kaars teaches a DVB receiver for receiving video, audio, and auxiliary data signals including teletext (col. 1 ll. 8-14, col. 2 ll. 29-31) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the receiver taught by Thibadeau conform to DVB standards for the benefit being compatible with data sent using DVB standards, as this standard was widely used at the time the invention was made. Furthermore, a DVB system allows for a plurality of channels to be transmitted as well as providing the capability to receive interactive applications.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2423

/Andrew Y Koenig/
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